

UTAH COLLEGE OF APPLIED TECHNOLOGY**- GOVERNANCE AND OPERATIONS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: _____

LONG TITLE**Committee Note:**

The Higher Education Task Force recommended this bill.

General Description:

This bill modifies provisions relating to the Utah College of Applied Technology and its college campuses.

Highlighted Provisions:

This bill:

- ▶ modifies the powers and duties of the State Board of Regents relating to the Utah College of Applied Technology and its college campuses;
- ▶ requires Utah College of Applied Technology budget and capital facilities requests to be submitted to the State Board of Regents for review and discussion and to be accompanied by written findings;
- ▶ requires the promotion of certain partnerships for awarding degrees;
- ▶ modifies campus president appointment and compensation provisions; and
- ▶ requires the State Board of Regents to conduct certain studies.

Monies Appropriated in this Bill:

None

Other Special Clauses:

Uncodified Section 5 is repealed on November 30, 2008.



Utah Code Sections Affected:

AMENDS:

53B-1-103, as last amended by Laws of Utah 2003, Chapter 289

53B-2a-104, as last amended by Laws of Utah 2007, Chapter 259

53B-2a-107, as last amended by Laws of Utah 2005, Chapter 227

53B-2a-112, as last amended by Laws of Utah 2003, Chapter 289

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-1-103** is amended to read:

53B-1-103. Establishment of State Board of Regents -- Powers and authority.

(1) There is established a State Board of Regents.

(2) (a) The board is vested with the control, management, and supervision of the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

(b) The board is vested with the following powers and duties relating to the Utah College of Applied Technology and its college campuses:

(i) approving each competency-based associate of applied technology degree before allowing a college campus to offer the degree;

(ii) making rules governing the transfer of applied technology education degrees awarded by the Utah College of Applied Technology to other higher education institutions;

(iii) appointing the president for the Utah College of Applied Technology in accordance with Section 53B-2a-102 and board policy; ~~and~~

(iv) promoting the creation of partnerships between higher education institutions to create effective career pathways and degree programs that result in the development of associate of science and associate of applied science degrees by credit-granting institutions to meet circumstances and demand;

(v) reviewing and discussing the Utah College of Applied Technology's budget requests before the requests are submitted to the Legislature and the Governor's Office of Planning and Budget;

(vi) reviewing and discussing the Utah College of Applied Technology's capital facilities and land purchase requests before the requests are submitted to the State Building Board, including ensuring that the requests comply with Section 53B-2a-112; and

~~[(iv)]~~ (vii) facilitating and coordinating the operation of the Utah College of Applied Technology within the system of higher education.

(c) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section 53B-1-102, to reflect the role and general course of study of the institution.

(3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV, Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act Amendments of 1992.

(4) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of applied technology education.

Section 2. Section **53B-2a-104** is amended to read:

53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers and duties.

The Utah College of Applied Technology Board of Trustees shall:

(1) in cooperation with the president of the Utah College of Applied Technology, and with the approval of the State Board of Regents, develop competency-based associate of applied technology degrees to be offered by the Utah College of Applied Technology;

(2) approve the courses and requirements for the associate of applied technology degrees;

(3) ensure that, pursuant to State Board of Regents' rules, an applied technology education degree is primarily a terminal degree, but is transferable to a bachelor's degree in applied technology at other higher education institutions under specific articulation agreements;

(4) ensure that the Utah College of Applied Technology college campuses comply with the requirements in Section 53B-2a-106;

(5) advise the president of the Utah College of Applied Technology and the State Board of Regents on issues related to applied technology education;

(6) receive budget requests from each college campus, compile and prioritize the

requests, and submit the request to:

(a) the State Board of Regents for review and discussion;

~~[(a)]~~ (b) the Legislature; and

~~[(b)]~~ (c) the Governor's Office of Planning and Budget;

(7) receive funding requests pertaining to capital facilities and land purchases from each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the requests, and submit the prioritized requests to:

(a) the State Board of Regents for review and discussion; and

(b) the State Building Board;

(8) prepare and submit an annual report detailing its progress and recommendations on applied technology education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:

(a) how the applied technology education needs of secondary students are being met;
[and]

(b) how the emphasis on high demand, high wage jobs in business and industry described in Subsection 53B-2a-106(1)(c)(ii) is being provided; and

(c) what access secondary students have to programs offered:

(i) at college campuses; and

(ii) within the regions served by Snow College and the College of Eastern Utah;

(9) receive, by September 30 of each year, an annual report from Snow College and the College of Eastern Utah on the status of and maintenance of the effort for applied technology education in the regions served by Snow College and the College of Eastern Utah, including access to open-entry, open-exit competency-based applied technology education programs at the tuition rate approved by the Utah College of Applied Technology for adults and at no tuition cost to secondary students; [and]

(10) promote the creation of partnerships between higher education institutions to create effective career pathways and degree programs that result in the development of associate of science and associate of applied science degrees by credit-granting institutions to meet circumstances and demand; and

~~[(10)]~~ (11) perform other duties and responsibilities prescribed under the policies of the State Board of Regents.

Section 3. Section **53B-2a-107** is amended to read:

53B-2a-107. Campus presidents -- Appointments -- Duties.

(1) (a) The ~~[president of the]~~ Utah College of Applied Technology Board of Trustees shall appoint a campus president for a college campus from a list of at least three names submitted to the ~~[president by]~~ board of trustees by a search committee, the majority of which shall be members of the campus board of directors, to serve as the chief administrative officer of the college campus.

(b) A campus president does not need to have a doctorate degree, but shall have extensive experience in applied technology education.

(c) A campus president is subject to regular review and evaluation administered by the Utah College of Applied Technology president, in cooperation with the campus board of directors, through a process approved by the board of trustees.

(d) A campus president serves at the discretion of the Utah College of Applied Technology ~~[president, in cooperation with the campus board of directors and the board of trustees]~~ Board of Trustees.

(e) (i) The Utah College of Applied Technology Board of Trustees shall establish a salary and compensation range for campus presidents.

(ii) The Utah College of Applied Technology Board of Trustees, in consultation with a campus board of directors, shall establish the salary and compensation for a campus president within the salary and compensation range established in accordance with Subsection (1)(e)(i).

(iii) The Utah College of Applied Technology Board of Trustees, in consultation with a campus board of directors, may establish other employment terms and conditions for a campus president.

(2) Each campus president of a college campus shall:

(a) serve as the executive officer of the campus board of directors;

(b) administer the day-to-day operations of the college campus under the direction of the campus board of directors; and

(c) administer human resource policies and employee compensation plans in accordance with the requirements of the Utah College of Applied Technology.

Section 4. Section **53B-2a-112** is amended to read:

53B-2a-112. College campuses -- Relationships with other public and higher

education institutions -- Agreements -- Priorities -- New capital facilities.

(1) As used in this section, "higher education institution" means, for each college campus, the higher education institution designated in Section 53B-2a-108, except for the State Board of Regents, to have a representative on its campus board of directors.

(2) A college campus shall avoid any unnecessary duplication of applied technology instructional facilities, programs, administration, and staff between the college campus and other public and higher education institutions.

(3) A college campus may enter into agreements:

(a) with other higher education institutions to cultivate cooperative relationships;

(b) with other public and higher education institutions to enhance applied technology education within its region; or

(c) to comply with Subsection (2).

(4) Before a college campus develops its own new instructional facilities, it shall give priority to:

(a) maintaining its own existing instructional facilities for both secondary and adult students;

(b) coordinating with the president of a higher education institution and entering into any necessary agreements to provide applied technology education to both secondary and adult students that:

(i) maintain and support existing higher education applied technology education programs; and

(ii) maximize the use of existing higher education facilities; and

(c) developing cooperative agreements with local school districts, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of applied technology instructional facilities for both secondary and adult students.

(5) (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the Utah College of Applied Technology, a college campus shall:

(i) ~~ensure~~ make a finding, in writing, that all available instructional facilities are maximized in accordance with Subsections (4)(a) through (c); and

(ii) coordinate the request with the president of a higher education institution, if

applicable.

(b) The State Building Board shall make a finding, in writing, that the requirements of this section are met before it may consider a funding request of the Utah College of Applied Technology pertaining to new capital facilities and land purchases.

(c) A college campus may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of an applied technology education facility without approval of the Legislature.

(6) Before acquiring new fiscal and administrative support structures, a college campus shall:

(a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of applied technology education in the region;

(b) determine whether it is feasible to use those existing systems; and

(c) with the approval of the campus board of directors and the board of trustees, use those existing systems.

(7) (a) The higher education institution for the region shall have the first opportunity to offer the general education courses that are required for an associate of applied technology degree offered by the Utah College of Applied Technology, at the college campus site.

(b) The content of the general education courses described in Subsection (7)(a) shall be defined by the higher education institution for the region in a manner consistent with the needs of the Utah College of Applied Technology.

(c) If the higher education institution for the region is unable to offer the courses described in Subsection (7)(a), other institutions of higher education may offer those courses.

(d) The college campuses shall be responsible to provide technical skills training and basic skills as required by business and industry towards an associate of applied technology degree.

Section 5. **Required studies.**

(1) (a) The State Board of Regents shall, in consultation with the Utah College of Applied Technology Board of Trustees and the Division of Facilities Construction and Management, conduct a space utilization study for the Utah College of Applied Technology college campuses.

214 **(b) The space utilization study shall be reported to the Higher Education**
215 **Appropriations Subcommittee by September 1, 2008.**

216 **(2) (a) The State Board of Regents shall, in consultation with the Utah College of**
217 **Applied Technology Board of Trustees, conduct a facilities master plan that projects the capital**
218 **needs of the Utah College of Applied Technology college campuses for the next five-year and**
219 **ten-year periods, based on the space utilization study described in Subsection (1) and projected**
220 **enrollment growth.**

221 **(b) The master plans shall be reported to the Higher Education Appropriations**
222 **Subcommittee by September 1, 2008.**

223 **Section 6. Repeal date.**

224 **Uncodified Section 5 is repealed on November 30, 2008.**

Legislative Review Note
as of 11-16-07 9:44 AM

Office of Legislative Research and General Counsel

S.B. 42 - Utah College of Applied Technology - Governance and Operations

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
